THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No.3041 of 2006

DATED:17.02.2006

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Between:

1. K. Krishna Yadav and another

……Petitioners

AND

1. The Collector,

Hyderabad District, Hyderabad

And another

...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 3041 of 2006

ORDER:

This writ petition is filed by the petitioners seeking a direction to the respondents 1 and 2 to consider their representation dated 08.09.2004 and to regularize their possession in respect of the land admeasuring 275 square yards/229.9 square meters in T.S.No.1, Block 'E', Ward No.172 of Saidabad Village, corresponding to old Sy.No.141/1.

Heard the learned Counsel for the petitioners and the learned Government Pleader

for Revenue.

The petitioners submit that they are the absolute owners of the property bearing Municipal No.17-1-391/2/21/A, Plot No.21, admeasuring 275 square yards, situated at Subramanyam Colony, Saidabad, Hyderabad and they are enjoying the said property for the last more than 40 years and they are entitled for regularization of the said encroachment as per G.O.Ms.No.508 dated 20.10.1995, G.O.Ms.No.972, dated 04.12.1998, G.O.Ms.No.515 dated 19.04.2003 and G.O.Ms.No.455 dated 29.07.2002. It is stated that the applications filed by similar persons were considered and regularized, but the case of the petitioners has not been considered so far.

On instructions, the learned Government Pleader for Revenue appearing for the respondents submits that the petitioners have encroached the Government land of 229 square yards in Survey No. 141/1 and 2 correlated to T.S.No.1, Block-E, Ward No.172 of Saidabad Village situated in Vishnu Nagar, which is recorded as “Helath Camp” in Column No.10 and “G” “Health Camp” in Column No.20 of T.S.L.R and they started construction over the said land by erecting 18 pillars. The encroachment was removed by the Office of the 2nd respondent with the help of demolition squad of Collectorate. Thereupon, the petitioners made a representation for assignment of the said land and the same has been rejected, as the encroachment was made only in the year 2004. As per the aforesaid G.O.Ms.No.515, dated 19.04.2003 and G.O.Ms.No.1601, dated 29.08.2005, the structures should be prior to the year 1990. It is further stated that the petitioners also filed a suit being O.S.No.1793 of 2005 on the file of the XIX Junior Civil Judge, City Civil Court, Hyderabad and they also obtained status quo order.

Having regard to the facts and circumstances of the case, without expressing any opinion on the merits of the case, I am of the opinion that as there is a civil suit pending, the petitioners are not entitled to seek any relief in this writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

17th February, 2006

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